PATENT 30331/37918

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):

Abler

Ser. No.

10/003,552

Filed

October 24, 20

Title

METHOD AND APPARATUS

FOR SCROLLING AN IMAGE TO BE PRESENTED ON A

DISPLAY UNIT

T.C./Art Unit:

2672

Examiner

D. Chung

I hereby certify that this paper is being deposited with the United States Postal Service as Express Mail, Airbill No. EV456047282US, in an envelope

addressed to:

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450,

on this date:

Date: November 3, 7004

Richard Zimmermann

PETITION TO WITHDRAW A HOLDING OF ABANDONMENT BASED ON A FAILURE TO RECEIVE THE NOTICE OF ALLOWANCE

Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

This petition to the Director is made pursuant to 37 C.F.R. 1.181(a).

On November 1, 2004, Marshall, Gerstein & Borun, LLP ("the Firm"), attorneys for applicant, received a Notice of Allowance and a Notice of Allowability (collective, "the Notices") in regard to the above-mentioned application. The Firm's receipt of the Notices on November 1, 2004 is reflected by the date stamp affixed to the first page of the documents, which are attached as Exhibit A, stating "RECEIVED – NOV 01 2004 – MARSHALL GERSTEIN." To the best of the undersigned's knowledge, it is the practice of the Firm to affix such a date stamp to documents received from the United States Patent and Trademark Office ("the Office") immediately upon receipt of the document.

Upon reviewing the Notices, the undersigned determined that the Notices have a "DATE MAILED" of March 22, 2004, and a "DATE DUE" of June 22, 2004. As the Firm did not receive the Notices until November 1, 2004, the issue and publication fees in regard to this application were not paid before the June 22 deadline.

In accordance with *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971) and Manual of Patent Examining Procedure 711.03(c), applicants hereby petition the Director to withdraw the holding of abandonment as to this application for failure to pay issue and publication fees in that applicant's representative did not receive the original Notice of Allowance. In keeping with 711.03(c), the undersigned states that the Notice of Allowance was not received by the undersigned, or by the Firm with which he is associated, and requests that the Director take notice of the following evidence in support of his statement.

The undersigned has searched the file jacket of the above-mentioned application and has had the responsible members of the docketing staff of the Firm search the docket records, and these searches indicate that the Notices were not received. In support thereof, the undersigned has attached a copy of the cover of the file jacket and a hardcopy of the electronic database entry for the above-mentioned application as Exhibits B and C, respectively. Neither document has been notated to show receipt of the Notices prior to November 1, 2004.

Moreover, attached hereto as Exhibit D is a copy of the docket record where the nonreceived Notices would have been entered had the Notices been received and docketed. That is, Exhibit D is a copy of the docket report showing all replies docketed for the date of June 22, 2004, the date noticed as the "DUE DATE" in the Notice of Allowance. Review of the June 22 docket report reflects that the Notice of Allowance was not received by the undersigned or his Firm.

In keeping with 711.03(c), at page 700-162, a petition under 37 C.F.R. 181(a) requesting a withdrawal of the holding of abandonment does not require a fee. However, the Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 13-2855, under Order No. 30331/37918. A duplicate copy of this paper is enclosed

In view of the foregoing, the applicant respectfully requests that the holding of abandonment be withdrawn, and that the Office remail the Notice of Allowance and the Notice of Allowability.

Respectfully submitted,

MARSHALL GERSTEIN & BORUN

Date: November 3, 2004

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By:

Paul C. Fraane
Registration No. 38,851
6300 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606-6357
(312) 474-6300

i., .



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450

NOTICE OF ALLOWANCE AND FEE(S) DUE

03/22/2004

MARSHALL, GERSTEIN & BORUN LLP 6300 SEARS TOWER 233 S. WACKER DRIVE CHICAGO, IL 60606

RECEIVED

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MARSHALL GERSTEIN

EXAMINER CHUNG, DANIEL J

ART UNIT PAPER NUMBER

2672

DATE MAILED: 03/22/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003 552	10/24/2001	Michael Abler	30331/37918	5009

TITLE OF INVENTION: METHOD AND APPARATUS FOR SCROLLING AN IMAGE TO BE PRESENTED ON A DISPLAY UNIT

APPLN. TYPE	YPE SMALL ENTITY ISSUE FEE		PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE	
nonprovisional	NO	\$1330	\$300	\$1630	06/22/2004	

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

☐ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

or Fax (703) 746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence addresses.

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	CE ADDRESS (Note: Legibly mark-u	p with any corrections or use	: Block 1)		mailing can only be used for is certificate cannot be used at paper, such as an assignment				
*	DRIVE /	, ,	ر ان الا	papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission. Certificate of Mailing or Transmission I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO, on the date indicated below.					
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10/003,552	10/24/2001		Michael Abler		30331/37918	5009			
TITLE OF INVENTION: M	IETHOD AND APPARATU	S FOR SCROLLING	AN IMAGE TO E	BE PRESENTED ON A	A DISPLAY UNIT				
APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PL	BLICATION FEE	TOTAL FEE(S) DUE	DATE DUE			
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CHUNG,	DANIEL J	2672		345-684000	,	•			
CFR 1.363). O Change of corresponde Address form PTO/SB/17; CP (1975). O "Fee Address" indicating PTO/SB/17; Rev 03-02 of Number is required. ASSIGNEE NAME AND PLEASE NOTE: Unless been previously submitted (A) NAME OF ASSIGNITED PLEASE Check the appropriate in the following fee(s) are of Dissue Fee O Publication Fee O Advance Order - # of O	on (or "Fee Address" Indicator more recent) attached. Use RESIDENCE DATA TO B an assignee is identified beld to the USPTO or is being a SEE assignee category or category enclosed:	correspondence ion form of a Customer E PRINTED ON THE ow, no assignee data ubmitted under separa (B) R ries (will not be printe 4b, Pr	names of up to agents OR, alternation (having as a agent) and the nationarys or agent will be printed. 3 PATENT (print of will appear on the size cover. Complet ESIDENCE: (CIT and on the patent); anyment of Fee(s): A check in the arm Payment by credit The Director is heposit Account Nur	patent. Inclusion of as ion of this form is NOT Y and STATE OR COU Of individual Of count of the fee(s) is encount of the fee(s) is encount. Form PTO-2038 ereby authorized by chapter	of a single attorney or 2 treed patent i, no name 3 triggered data is only appropria a substitute for filing an assignment of the component of	oup entity			
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Exhibit A

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APPLICATION NO.	FILING DATE THADENIN	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,552	10/24/2001	Michael Abler	30331/37918	5009
04743 75	590 03/22/2004		EXAM	INER
MARSHALL, GI 6300 SEARS TOW	ERSTEIN & BORUN LLP		CHUNG,	DANIEL J
233 S. WACKER			ART UNIT	PAPER NUMBER
CHICAGO, IL 606			2672	
			DATE MAILED: 03/22/200	14

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

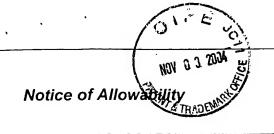
The Patent Term Adjustment to date is 232 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 232 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

Exhibit A



Application No.	Applicant(s)
10/003,552	ABLER, MICHAEL
Examiner	Art Unit
Daniel J Chung	2672

The MAILING DATE of this communication appears on a All claims being allowable, PROSECUTION ON THE MERITS IS (OR REPORTED HER PROSECUTION ON THE MERITS IS (O	MAINS) CLOSED in this application. If not included appropriate communication will be mailed in due course. THIS This application is subject to withdrawal from issue at the initiative
1. ☑ This communication is responsive to <u>1-15-04</u> .	
2. ☐ The allowed claim(s) is/are 1-5,7-15 and 17-20.	
3. The drawings filed on 24 October 2001 are accepted by the Exami	ner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 to a) ☐ All b) ☐ Some* c) ☐ None of the:	
1. 🛛 Certified copies of the priority documents have been re	
2. Certified copies of the priority documents have been re	
— ·	s have been received in this national stage application from the
International Bureau (PCT Rule 17.2(a)).	
* Certified copies not received:	
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this c noted below. Failure to timely comply will result in ABANDONMENT of THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.	
5. A SUBSTITUTE OATH OR DECLARATION must be submitted. No INFORMAL PATENT APPLICATION (PTO-152) which gives reason	
6. CORRECTED DRAWINGS (as "replacement sheets") must be sub-	omitted.
(a) I including changes required by the Notice of Draftsperson's Pa	tent Drawing Review (PTO-948) attached
1) \square hereto or 2) \square to Paper No./Mail Date	
(b) including changes required by the attached Examiner's Amend Paper No./Mail Date	dment / Comment or in the Office action of
Identifying indicia such as the application number (see 37 CFR 1.84(c)) seach sheet. Replacement sheet(s) should be labeled as such in the head	
7. DEPOSIT OF and/or INFORMATION about the deposit of B attached Examiner's comment regarding REQUIREMENT FOR THE	
Attachment(s)	
1. Notice of References Cited (PTO-892)	5. Notice of Informal Patent Application (PTO-152)
2. Notice of Draftperson's Patent Drawing Review (PTO-948)	6. Interview Summary (PTO-413), Paper No./Mail Date
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date	7. Examiner's Amendment/Comment
4. Examiner's Comment Regarding Requirement for Deposit	8. Examiner's Statement of Reasons for Allowance
of Biological Material	9. \(\text{Other} \) Other \(\text{\text{L}} \)
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PRIMARY EXAMINER

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attorney(PCG:	ISS
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Inventor	MEDLOCK ET AL. MEDLOCK ET AL.	BROOKS ET AL.	WOJSZNIS ET AL.	NIXON ET AL.	PEACEY, D.	LIN, F.	YAMAMOTO ET AL.	OKAMOTO ET AL.	BROWN ET AL.	GRAY, P.	SAITO, K.	DU MONTCEL, E.	ALITALO ET AL.	GEBKE ET AL.	KELSEY, M.	THOMAS ET AL.	CASARES ET AL.	GOULET, M.
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